

IN RE: PETITION FOR ADMIN. VARIANCE

W/S of Glen Meadow Road
639' S of Bird River Road
15th Election District
5th Councilmanic District
(1007 Meadow Glen Road)

Luisse M. & Kenneth S. Fortney
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-429-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kenneth & Luise Fortney. The Petitioners are requesting a variance for property they own at 1007 Meadow Glen Road, located in the Middle River area of Baltimore County. The variance request is to permit an open projection (deck) with a setback as close as 5 feet to a property line, side and rear, in lieu of the 11.3 ft. required, and facing window setbacks of as close as 21 ft. in lieu of the required 30 ft., and to amend the final development plan for Lot 18 in Rohe Farm.

Appearing at the hearing on behalf of the variance request were Mr. & Mrs. Fortney, the property owners. Appearing in opposition to the Petitioners' request were nearby neighbors, Dave Rhodes and Sheila & Joseph Karl.

Testimony and evidence indicated that the property which is the subject of this request consists of 4,686 sq. ft. and is improved with a single family residential dwelling. Mr. & Mrs. Fortney currently reside within the subject house. They are desirous of constructing a deck on the rear and side of their house, as is shown on Petitioners' Exhibit No. 1, the site plan of the property. In order to proceed with the construction of the deck as shown, the variance request is necessary.

ORIGINAL FILED FOR FILING
Date 8/15/99
By [Signature]

At the hearing before me, Mr. Fortney submitted as Petitioners' Exhibit No. 3 a revised plan of the deck which he would like to build on the rear and side of his house. He has reduced the size of the deck as a result of opposition from his neighbors. The reduction in the size of the deck was an attempt to mitigate the affects of the deck on his adjacent neighbors. In order to proceed with the revised deck, the variance is still necessary.

Appearing in opposition to the Petitioners' request were Mr. & Mrs. Karl and Mr. Dave Rhodes. The Karls are opposed to the design of the deck and believe that the structure itself would impose upon their privacy. They are not opposed to a deck constructed on the rear of the Fortney residence, however, they are opposed to the fact that Mr. Fortney has chosen to wrap the deck around the side of his house. By wrapping the deck around the side of his house, the structure itself is situated in close proximity to the Karls' property. They therefore ask that the deck be modified.

After considering the testimony and evidence of the Petitioners, as well as the Protestants, I find that a variance should be granted in order to allow the Fortneys to construct a reasonable deck on the rear of their home. Due to the configuration of the lot itself, it is difficult to situate a deck on the rear of the Fortney residence. In fact, many of the homes in this subdivision known as "Rohe Farm" have requested variances in order to put decks on the rear of their houses. However, in considering whether to grant a variance to the Fortneys, I believe it is necessary to further modify the design of the deck more than that which is shown on Petitioners' Exhibit 3. The objectionable portion of the deck itself is that which wraps around the Fortneys' house. Therefore, in lieu of the 10 ft. width of the deck on the side of the Fortney residence, the deck shall be reduced to a 4 ft. section, or a reduction of 6 feet. This will allow the Fortneys to wrap the deck around their house for purposes of providing steps down to the ground level of their house. To offset the reduction on that end of their deck, the Fortneys shall be permitted to extend their deck further along the rear of their house an additional 5 feet, to allow them a reasonable area for their deck. Therefore, their

ORDER RECEIVED FOR FILING

Date

8/6/99

By

R. J. Gannon

deck plans shall be modified to allow the deck to extend off the rear of their house 11 feet with a distance along the rear of the house of 23 feet, as opposed to the 18 feet shown on Petitioners' Exhibit 3. Furthermore, the deck shall be permitted to extend on the side of the house only 4 feet in lieu of the 10 feet which is shown on Petitioners' Exhibit 3. The corner of the Petitioners' deck shall maintain the same 45 degree angle which basically runs parallel to their property line. Attached to this Order as Exhibit A is a diagram of the deck that has been approved pursuant to this Order. The Petitioners and Protestants shall review Exhibit A of this Order to satisfy themselves that the new design of the deck is acceptable. Should either party feel the deck as shown on Exhibit A is unacceptable, then an appeal must be filed by that aggrieved party.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the

ORDER RECEIVED FOR FILING

Date

8/15/99

By

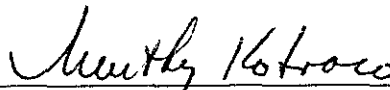
J. R. Johnson

relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of August, 1999 that the variances that are necessary to construct a deck as shown on Exhibit A attached to this Order, be and is hereby APPROVED subject, however, to the following restrictions which are a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
DATE 8/5/99
BY R. J. JAMESON



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 6, 1999

Mr. & Mrs. Kenneth Fortney
1007 Meadow Glen Road
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 99-429-A
Property: 1007 Meadow Glen Road

Dear Mr. & Mrs. Fortney:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

cc: Mr. Dave Rhodes
1005 Meadow Glen Road
Baltimore, Maryland 21220

Mr. & Mrs. Joseph Karl
16 Oldfield Court
Baltimore, Maryland 21220

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1007 MEADOW GLEN RD
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) ~~V.B. 6.5, SECTION 504 AND 301.1~~

V.B. 6.6 (1971-92 CMDP) AND SECTIONS 504 AND 301.1 AND V.B. 6.C. (CMDP) TO PERMIT AN OPEN PROJECTION SETBACK OF AS CLOSE AS 5 FT TO PROPERTY LINES (SIDE AND REAR) IN LIEU OF 11 FT, 3 IN. AND FACING WINDOW SETBACKS (LESS 25%) OF AS CLOSE AS 21 FT, IN LIEU OF 30 FT. (AS APPLIED TO A DECK/WINDOW SETBACK) AND TO AMEND THE FINAL DEV. PLAN FOR LOT 18 IN ROHE FARM AND VARIANCE CASE #95-121-A
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Kenneth S. Fortney W 410-579-2235
Name - Type or Print

Kenneth S. Fortney
Signature

Kase M. Fortney W 410-765-6293
Name - Type or Print

Kenneth S. Fortney
Signature

1007 Meadow Glen Rd H 410-238-2467
Address Telephone No.

Baltimore MD 21220
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4/28/99 day of April that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-429-A

REV 9/15/98

Reviewed By JL Date 4/28/99

Estimated Posting Date 5/9/99

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 1007 Meadow Glen Rd
City Baltimore State MD Zip Code 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The property lines and setback distances do not allow
a fair sized Deck.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Kenneth S. Fortney
Signature
Kenneth S. Fortney
Name - Type or Print

Luise M. Fortney
Signature
Luise M. Fortney
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of April, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kenneth S. Fortney and Luise M. Fortney
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

04/13/99
Date

G. Joan M. Ely
Notary Public
My Commission Expires 3/02/05 ⁹² 3/05/02

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

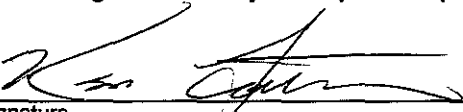
That the Affiant(s) does/do presently reside at


1007 Meadow Glen Rd
Address
Baltimore MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The property Lines and setback Distances Do not allow
a Fair Sized Deck.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature
Kenneth S. Fortney
Name - Type or Print


Signature
Luise M. Fortney
Name - Type or Print


STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of April, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kenneth S. Fortney and Luise M. Fortney
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

4/13/99
Date


Notary Public
My Commission Expires 3/05/02



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1007 Meadow Glen Rd
which is presently zoned DR 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

V.B.6.6 (1971-92 CNDP) AND sections 504 AND 301.1 AND V.B.6.C. (CNDP) to Permit an
open projection setback of as close as 5 FT. to property Lines (Side AND Rear)
IN LIEU of 11 FT. 3 IN. AND Facing Window setbacks (less 25%) of as close as 21 FT.
IN LIEU of 30 FT. (as applies to a Deck/Window setbacks) AND to Amend the final Dev. plan for Lot 18 in
Roke Farm AND Variance case # 95-121-A
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 99-429-A day of 11/15/98 that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-429-A

REV 9/15/98

Reviewed By _____ Date _____

Estimated Posting Date _____

A29

ZONING DESCRIPTION FOR 1007 MEADOW GLEN ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF MEADOW GLEN ROAD WHICH IS 25 FEET WIDE AT THE DISTANCE OF 639 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET BIRD RIVER ROAD WHICH IS 30 FEET WIDE. BEING LOT # 18 , AS SHOWN ON A PLAT ENTITLED PHASE 3 SECTION 1 SHEET 1 OF 2 IN THE SUBDIVISION OF ROHE FARM AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 64 , FOLIO # 111 , CONTAINING 4,686 SQUARE FEET . ALSO KNOWN AS 1007 MEADOW GLEN ROAD AND LOCATED IN THE 15th ELECTION DISTRICT , 5th COUNCILMANIC DISTRICT .

44-429-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

429 No. **065453**

DATE 4/28/99 ACCOUNT 001-6150
 AMOUNT \$ 100.00

RECEIVED FROM: FORNEY

FOR: RV FILING

99-429-A

CASHIER'S VALIDATION

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **067039**

DATE 5/14/99 ACCOUNT 001-6150
 AMOUNT \$ 40.00

RECEIVED FROM: Sheila Karl

FOR: DEMAND FOR PUBLIC HEARING
#99-429-A
Meadow Glen Road

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
 PROCESS ACTUAL TIME
 4/29/1999 4/29/1999 15:57:39
 REC NO. 065453 CASHIER LENS LXS DRAWER
 DEPT 5 528 ZONING VERIFICATION
 RECEIPT # 093579
 CR NO. 067039
 Receipt Tot 40.00
 40.00 EX
 Baltimore County, Maryland

PAID RECEIPT
 PROCESS ACTUAL TIME
 5/17/1999 5/14/1999 15:57:13
 REC NO. 067039 CASHIER LENS LXS DRAWER
 DEPT 5 528 ZONING VERIFICATION
 RECEIPT # 093579
 CR NO. 067039
 Receipt Tot 40.00
 40.00 EX
 Baltimore County, Maryland

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case # 98-429-A
1007 Meadow Glen Road
W/S Meadow Glen Road, 639
S of Bird River Road
18th Election District
6th Councilmatic District

Legal Owner(s):

Luke M. & Kathleen S. Farley
Administrative Variance: to permit an 0.90-acre project set back of as close as 5 feet to property lines (side and rear) in lieu of 11 feet, 3 inches and facing window setbacks of as close as 21 feet in lieu of 30 feet and to amend the Final Development Plan for Lot 18 in "Rohr Farm" and variance case number 95-121-A.

Hearing: Wednesday, June 30, 1998 at 9:00 a.m. in Room 407, County Courts Bldg. 401 Bailey Avenue
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, contact the Zoning Review Office at (410) 887-3391.

6/17/98 June 10, 6318105

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6-10, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6-10, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-429-A
PETITIONER/DEVELOPER:
(Ken Fortney)
DATE OF Closing
(May 24, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
1007 Meadow Glen Road Baltimore, Maryland 21220_____

The sign(s) were posted on _____ 5-7-99 _____
[Month, Day, Year]

Sincerely,

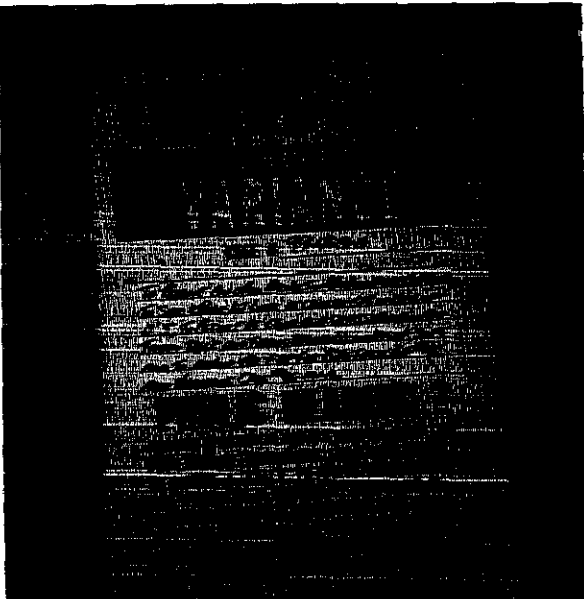

[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ [410]-687-8405 _____
[Telephone Number]



CERTIFICATE OF POSTING

RE: CASE # 99-429-A
PETITIONER/DEVELOPER:
[Ken Fortney]
DATE OF Hearing
[June 30, 1999]

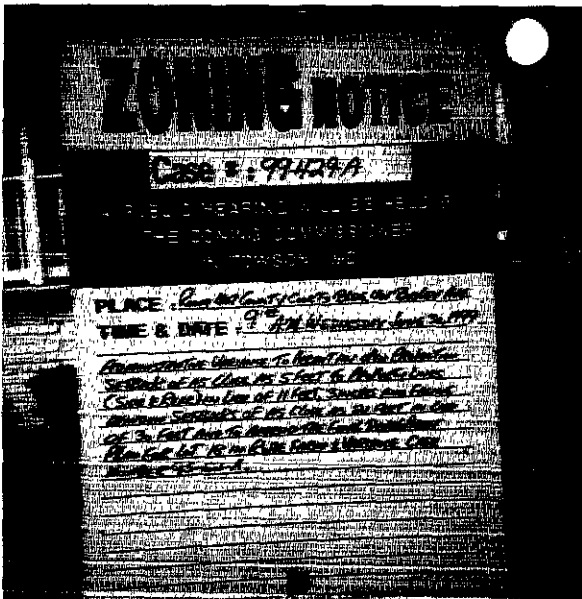
**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1007 Meadow Glen Road Baltimore , Maryland 21220

The sign(s) were posted on 6-14-99
[Month, Day, Year]



Sincerely,

Cham P. J. Est. 6/14/99
(Signature of Sign Pester & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

[410]-687-8405
[Telephone Number]



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 1, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-429-A
1007 Meadow Glen Road
W/S Meadow Glen Road, 639' S of Bird River Road
15th Election District – 5th Councilmanic District
Legal Owner: Luise M. & Kenneth S. Fortney

Administrative Variance to permit an open projection setback of as close as 5 feet to property lines (side and rear) in lieu of 11 feet, 3 inches and facing window setbacks of as close as 21 feet in lieu of 30 feet and to amend the Final Development Plan for Lot 18 in Rohe Farm and variance case number 95-121-A.

HEARING: Wednesday, June 30, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Luise & Kenneth Fortney
Sheila & Joseph Karl

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 15, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
June 10, 1999 Issue – Jeffersonian

Please forward billing to:

Ken Fortney 410-238-2467
1007 Meadow Glen Road
Baltimore, MD 21220

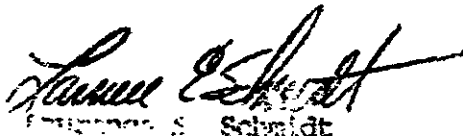
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-429-A
1007 Meadow Glen Road
W/S Meadow Glen Road, 639' S of Bird River Road
15th Election District – 5th Councilmanic District
Legal Owner: Luise M. & Kenneth S. Fortney

Administrative Variance to permit an open projection setback of as close as 5 feet to property lines (side and rear) in lieu of 11 feet, 3 inches and facing window setbacks of as close as 21 feet in lieu of 30 feet and to amend the Final Development Plan for Lot 18 in Rohe Farm and variance case number 95-121-A.

HEARING: Wednesday, June 30, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt
SES

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 429 -A Address 1007 MEADOW GLEN RD
Contact Person: J L LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/28/99 Posting Date: 5/9/99 Closing Date: 5/24/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 429 -A Address 1007 MEADOW GLEN RD.
Petitioner's Name KEN AND LUISE FORTNEY Telephone 410-238-2467
Posting Date: 5/9/99 Closing Date: 5/24/99
Wording for Sign: To Permit AN OPEN PROJECTION (~~BEHIND~~ PROPOSED DECK) SETBACK TO
SIDE AND REAR LOT LINES OF AS CLOSE AS ~~FEET~~ 5 FT. IN LIEU OF 11'3", TO PERMIT ~~AS CLOSE AS~~
A 21 FT. SEPARATION BETWEEN DECK AND FACING WINDOW(S) IN LIEU OF 30 FT. AND TO AMEND
THE FINAL DEVELOPMENT PLAN FOR ROHE FARM LOT # 16 AND VARIANCE
CASE 95-121-A.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: ~~95-124-04~~

Petitioner: Ken AND Luise Fortney

Address or Location: 1001 Meadow Glen RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ken Fortney

Address: 1001 Meadow Glen RD.

Baltimore MD 21220

Telephone Number: 410-238-2461

Revised 2/20/98 - SCJ

99.429-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 24, 1999

Mr. & Mrs. Kenneth Fortney
1007 Meadow Glen Road
Baltimore, MD 21220

RE: Case No.: 99-429-A
Petitioner: Fortney
Location: 1007 Meadow Glen Rd.

Dear Mr. & Mrs. Fortney:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a faint, larger signature.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



TIM
6/30
[initials]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 18, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 429

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffrey W. Long

AFK/JL



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

MAY 7, 1999

Charles E. Blum, Director
Planning, Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
410-887-4500

RE: PROJECT: 410-887-4500

PROJECT: 410-887-4500 MEETING OF APRIL 19, 1999

FROM: 410-887-4500

DATE: 4/19/99

Enclosed for your information are the following documents, as well as a copy of the project description, which are being provided to you for your information and for your review and comment. The project description is incorporated into the project description.

THE FIRE DEPARTMENT HAS NO COMMENTS AT THIS TIME REGARDING THE FOLLOWING ITEMS:

1. 410-887-4500 **429** 410-887-4500

REVIEWED: 410-887-4500
410-887-4500, 410-887-4500, 410-887-4500

410-887-4500



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: May 17, 1999

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for May 17, 1999
Item Nos. 423, 424, 425, 427, 429,
431, 432, and 433

(Item Nos. 426 and 434 were BLANK.)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.6.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 429

JLL

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 14, 1999

Mr. & Mrs. Kenneth S. Fortney
1007 Meadow Glen Road
Baltimore, MD 21220

Dear Mr. & Mrs. Fortney:

RE: Demand for Public Hearing, Case Number 99-429-A, 1007 Meadow Glen Road

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand on May 14, 1999 for a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:scj

c: Sheila & Joseph Karl

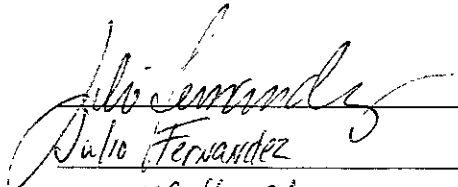
Come visit the County's Website at www.co.ba.md.us

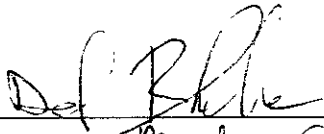


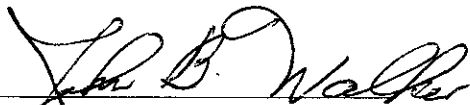
Printed with Soybean Ink
on Recycled Paper

429

I (WE) THE UNDERSIGNED NEIGHBORS HAVE NO OBJECTIONS TO THE PROPOSED DECK
(COPY ATTACHED) AT 1007 MEADOW GLEN RD


Julio Fernandez
14 Oldfield Ct
Baltimore, Md. 21220


1005 Meadow Glen Rd
Balt. 21220
DAVE RHODES


JOHN B. WALKER
1007 MEADOW GLEN RD
BALTIMORE MD 21220

99-429-A

To: Sph
5/14/99
UC
Bosher

May 12, 1999

Baltimore County Zoning
Room 111
111 West Chesapeake Avenue
Towson, MD 21204

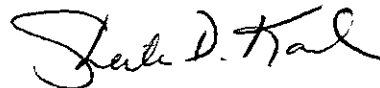
RE: Variance Case #99-429A

Dear Sir/Madame:

This letter is a request for a hearing on variance case #99-429A located on Meadow Glen Road in Baltimore County. Enclosed is a check for \$40.00. Please inform us of the date of the hearing as soon as possible.

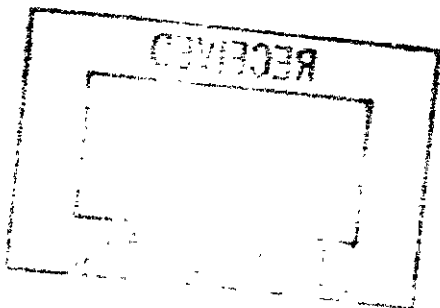
Thank you for your attention to this request.

Sincerely yours,



Sheila D. Karl
Joseph L. Karl
16 Oldfield Court
Baltimore, MD 21220
410-682-3203

SDK:ks
Cc: file

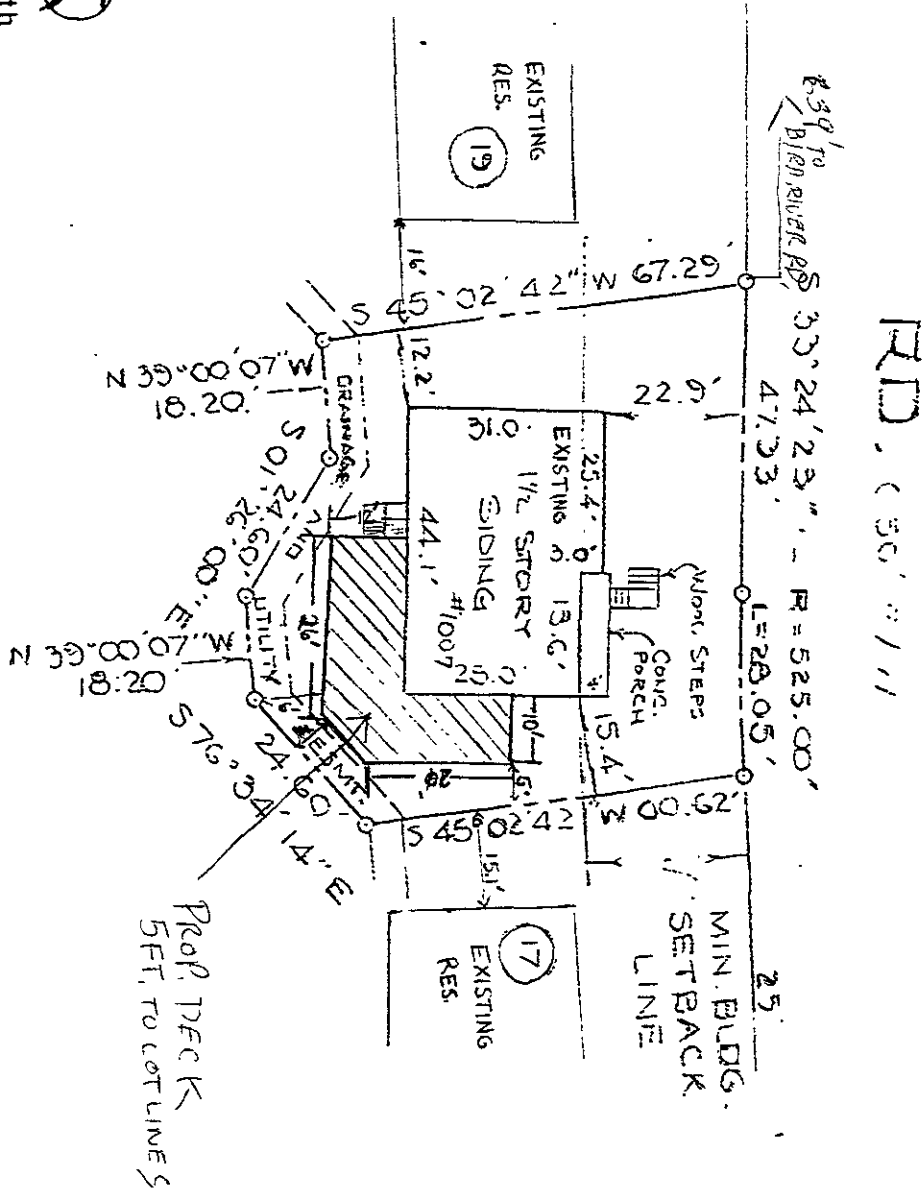


Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

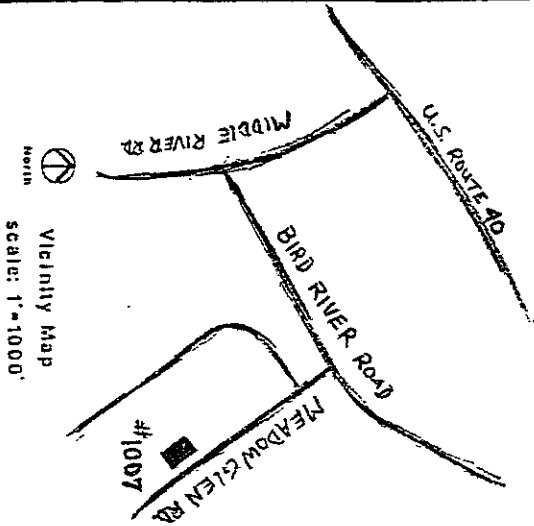
PROPERTY ADDRESS: 1007 MEADOW GLEN ROAD see pages 5 & 6 of the Checklist for additional required information

Subdivision name: ROHE FARM
 plat book # 64, folio # 11, lot # 18, section #
 OWNER: KENNETH S. FORTNEY & LUISE M. FORTNEY

MEADOW GLEN



North 
 date:
 prepared by:
 Scale of Drawing: 1" = 30'



LOCATION INFORMATION

Election District: 15th
 Councilmanic District: 5th
 1"=200' scale map#: NE 61
 Zoning: D R 2
 Lot size: .11 acreage 4,686 square feet

Public Private
 SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: ☐ ☒

Zoning Office USE ONLY!

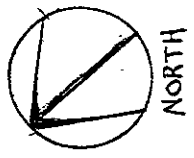
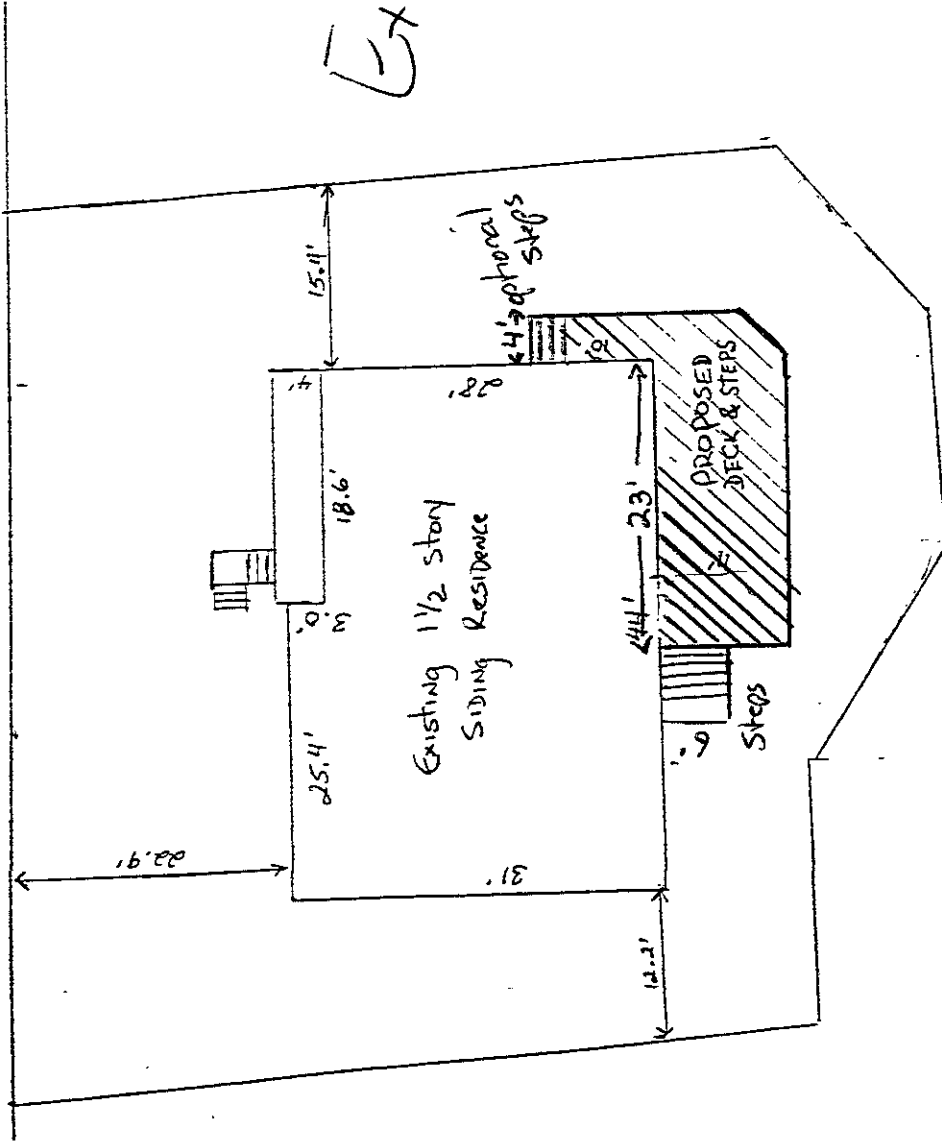
reviewed by: ITEM #: CASE #:
JK 429

99-429-A

LANDSCAPE ARCHITECT
 DATE 8/5/99
 BY R. Johnson

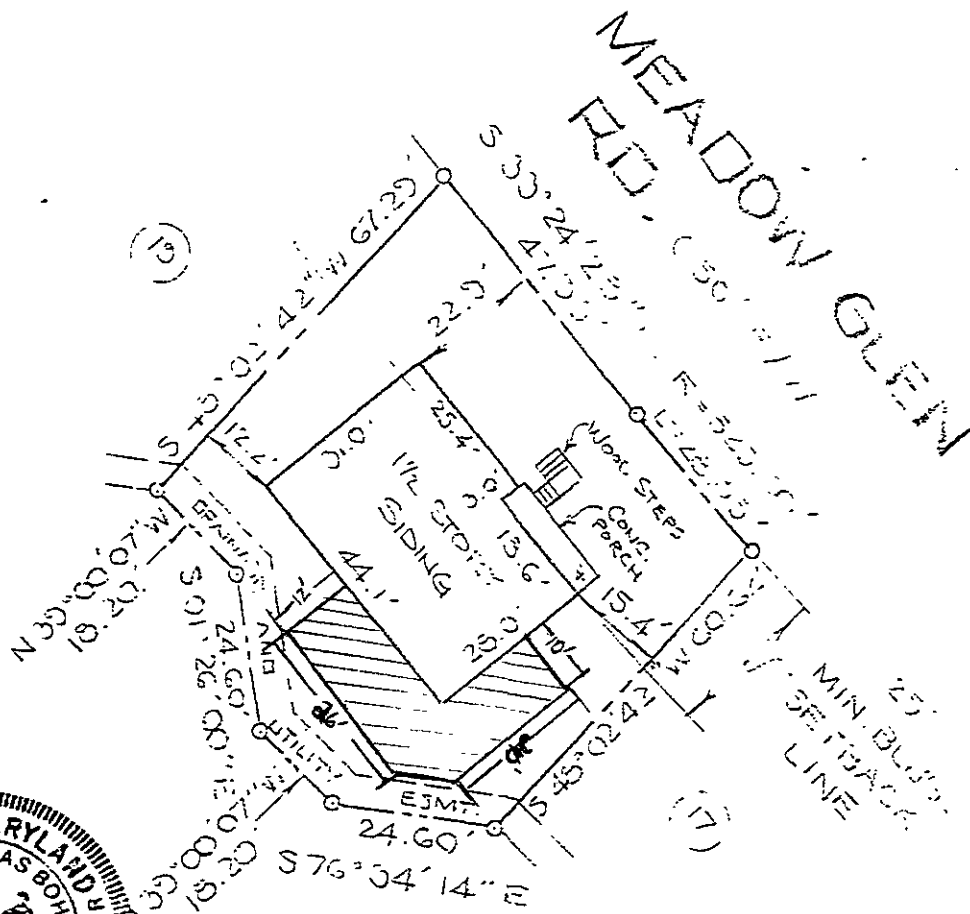
MEADOW GLEN RD.

Exhibit A

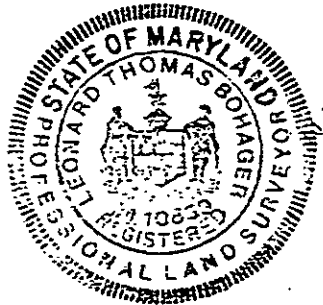


SCALE OF DRAWING: 1" = 16'

NOTE: ACCURACY OF APPARENT
SETBACK DISTANCES ARE 1'±
GARAGE ALLOWED AT A 22'
SETBACK FROM STREET R/W



Pet Ex #1



REFERENCE LOT 16 PLAT ENTITLED
PHASE 3 SECT. 1 SHEET OF 2 ROBE FARM
DATED: SEPT 10, 1992 AND RECORDED
AMONG THE PLAT RECORDS OF
BALTIMORE COUNTY, MD. IN PLAT
BOOK G4 FOLIO 111

THIS IS TO CERTIFY THAT WE HAVE LOCATED THE
IMPROVEMENTS AS SHOWN ACCORDING TO THE
REGULATIONS GOVERNING THE MARYLAND STANDARDS
OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS;
EFFECTIVE DATE MARCH 1, 1995.

Thomas T. Bohagen 6-2-98
REGISTERED NO. 10859 DATE

- NOTE: (A) THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING
PROPERTY LINES AND DOES NOT CONSTITUTE A
BOUNDARY SURVEY.
(B) THIS PLAT IS OF BENEFIT TO THE CONSUMER ONLY
INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE
INSURANCE COMPANY OR ITS AGENT IN CONNECTION
WITH CONTEMPLATED TRANSFER, FINANCING OR RE-
FINANCING.
(C) THIS PLAT SHOULD NOT BE RELIED UPON FOR THE
ESTABLISHMENT OR LOCATION OF FENCES, GARAGES,
BUILDINGS OR OTHER EXISTING OR FUTURE
IMPROVEMENTS.

NOTE: THIS PROPERTY DOES NOT LIE WITHIN
THE LIMITS OF A FLOOD HAZARD AREA
AS DELINEATED ON THE MAPS OF THE
NATIONAL FLOOD INSURANCE PROGRAM.
MAP NUMBER: 2400100435B

LOCATION CERTIFICATION OF
1007 MEADOW GLEN ROAD

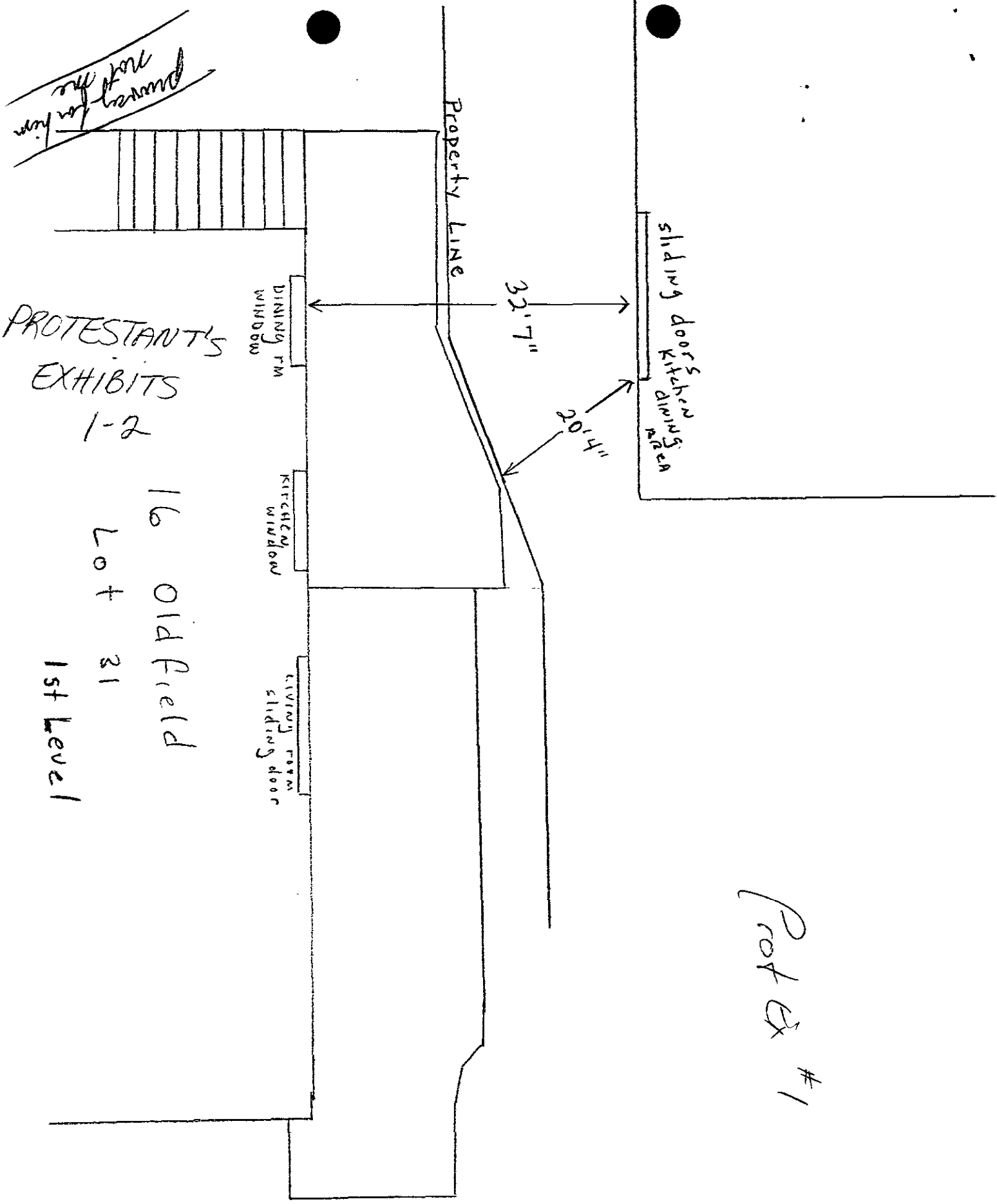
15TH ELEC. DIST. BALTO. CO., MD.

SCALE: 1" = 30' JUNE 2, 1998
FILE NO.



W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
(410) 583-9571

Prot Ex #1



PROTESTANT'S
EXHIBITS
1-2

16 Oldfield
Lot 31

1st Level

1st, 2nd Floor
SLIDER

Back of
GARAGE

1005 Meadow
Glen

Prof Ex 2

DECK
(1 Foot off Ground)

CONCRETE PATIO

DR WINDOW
1st Floor

Kitchen Windows
1st Floor

SLIDER

2nd Floor
→

BATHROOM
Window

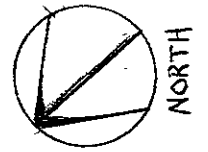
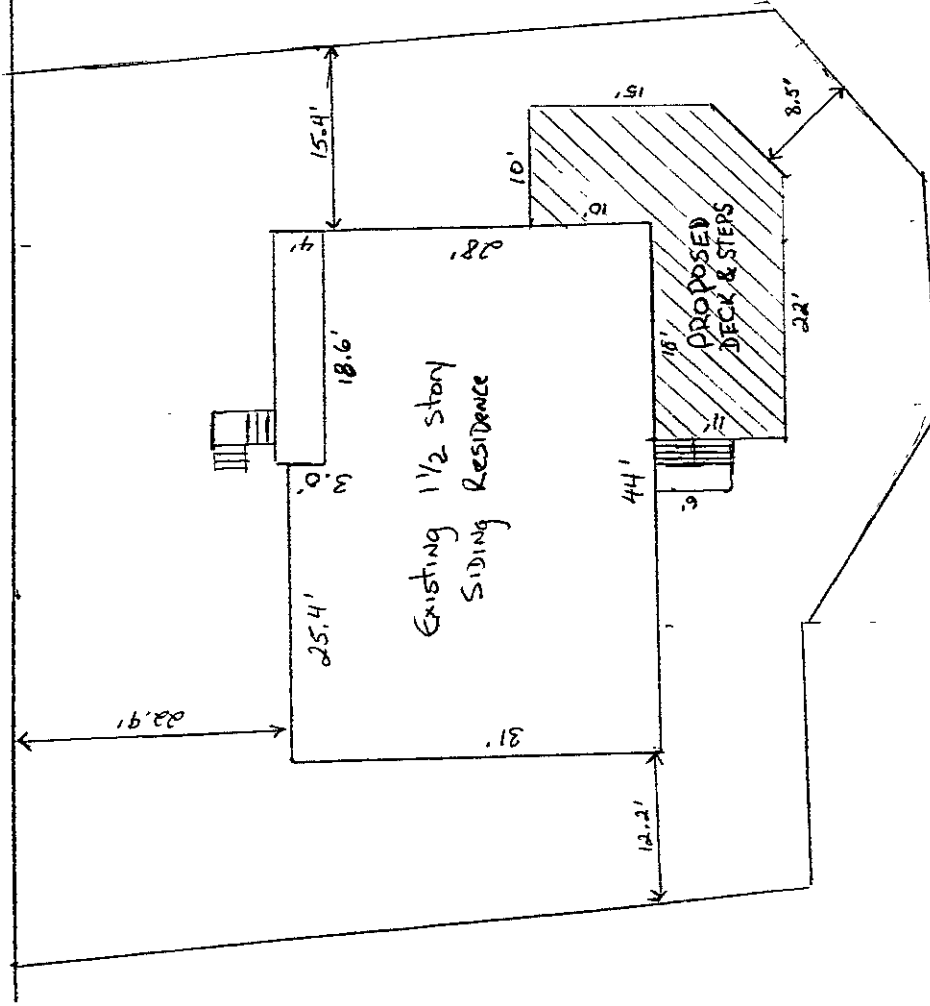
Child's
BR Window

FAMILY
Room

16 Old Field CT

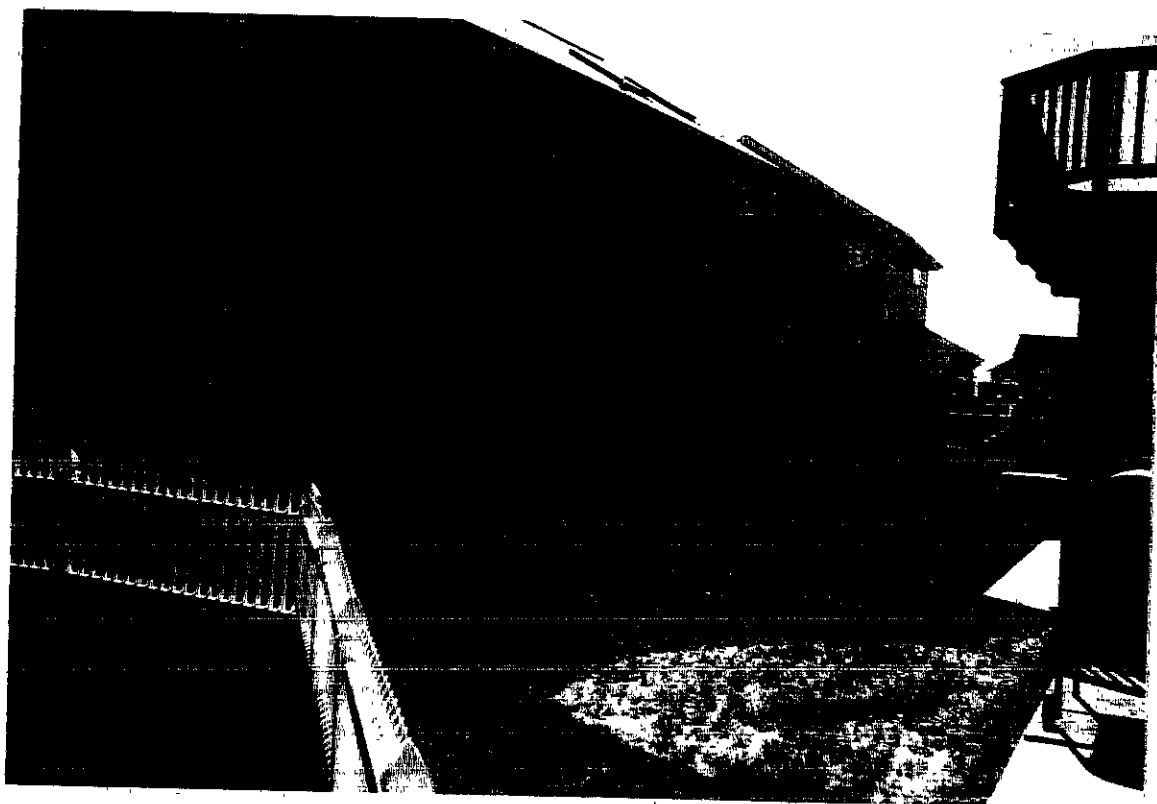
MEADOW GLEN RD.

Plot 3



SCALE OF DRAWING: 1" = 16'

Ref ex 2A



99-429-A

Net Ex 2B



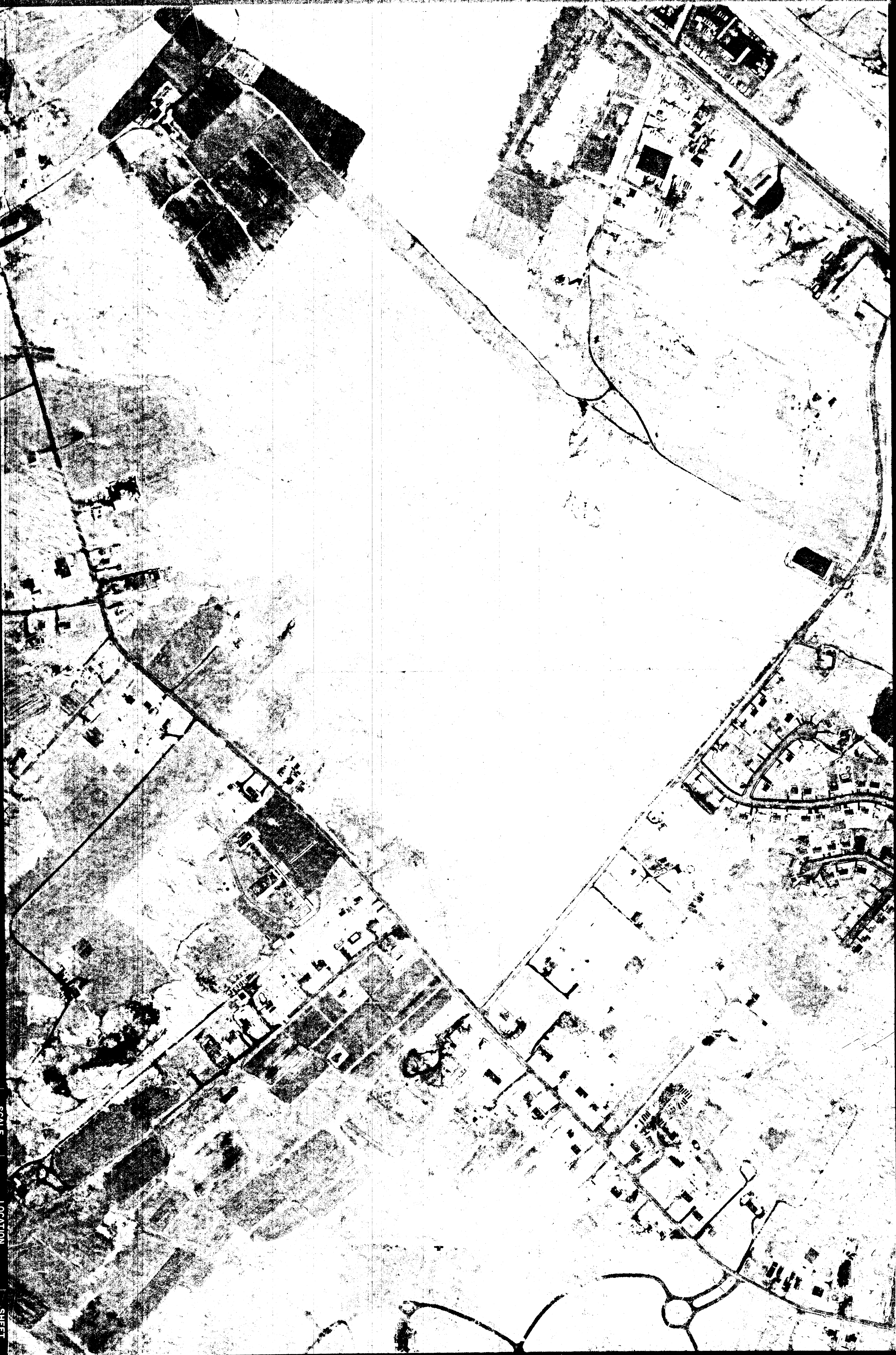
99-429-A











PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

429
99429-A

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	MIDDLE RIVER VICINITY	N.E. 6-1

